

EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARJORIE FERRELL, et al.,)	
)	Civil Action No. C-1-01-447
Plaintiffs,)	
)	Judge Sandra S. Beckwith
v.)	Magistrate Judge Timothy S. Hogan
)	
WYETH-AYERST LABORATORIES,)	
INC., et al.,)	
)	
Defendants.)	

**VERMONT PLAINTIFF MARILYN DEYO'S
RULE 24(c) PLEADING SETTING FORTH
CLAIMS FOR WHICH INTERVENTION IS SOUGHT**

Pursuant to Rule 24(c) of the Federal Rules of Civil Procedure, Vermont Plaintiff Marilyn Deyo hereby respectfully submits the following list of claims and defenses for which intervention is sought:¹

- The Ohio Plaintiffs' allegation in the Ohio Complaint which states that "Defendants have intentionally and wrongfully maintained and abused their monopoly power in the relevant market in violation of Vermont Stat. T. 9 2465, *et seq.*, with respect to purchases of Premarin in Vermont by members of the State Consumer Subclass or paid for by members of the State Third Party Payor Subclass." Ohio Complaint at 26-27.
- All claims and defenses made in Plaintiffs' Supplemental Memorandum, the Defendants' Response thereto, and Plaintiffs' subsequent Reply Memorandum which pertain to the similarity and/or dissimilarity of the VCFA as compared to consumer fraud statutes of other states.

¹ Vermont Plaintiff Marilyn Deyo hereby incorporates by reference all defined terms contained in her Motion to Intervene and the Memorandum submitted in support thereof.

- All claims and defenses made in Plaintiffs' Supplemental Memorandum, the Defendants' Response thereto, and Plaintiffs' subsequent Reply Memorandum which pertain to the standing of the current named plaintiffs in the Ohio Action to represent Vermont consumers of Premarin under the VCFA.
- All claims and defenses made in Plaintiffs' Supplemental Memorandum, the Defendants' Response thereto, and Plaintiffs' subsequent Reply Memorandum which pertain to the adequacy of representation of Vermont consumers of Premarin by the current named plaintiffs in the Ohio Action.

As such, the Vermont Plaintiff respectfully moves this Court for Intervention under Rule 24 of the Federal Rules of Civil Procedure for the purpose of further moving to stay the above-captioned action as to the Vermont State Consumer Subclass (the "Vermont Subclass"), identified in the Court's June 30, 2004 [Class Certification] Order at p.3, during the pendency of the litigation in Vermont state court, docket number 735-12-04 Wncv in the Vermont Superior Court, Washington County or, alternatively, for appointment as the class representative of the Vermont Subclass and her counsel, Johnson & Perkinson, as counsel to the Vermont Subclass in the above-captioned action.

Dated: December 30, 2004

s/Richard S. Wayne
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Deyo v. Wyeth, Docket No. 735-12-04 Wncv in
Washington Superior Court, Washington County,
Vermont*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been filed electronically with the U.S. District Court; has been sent electronically this 30th day of December, 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. If a party is not given notice electronically through the Court's system a copy will be served by ordinary United States mail, first class postage prepaid, this 30th day of December, 2004.

s/Richard S. Wayne

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